

GOVERNMENT OF THE DISTRICT OF COLUMBIA  
BOARD OF ZONING ADJUSTMENT



Application No. 14556, of the Sisters of the Good Shepherd, pursuant to Sub-section 8207.2 of the Zoning Regulations, for a special exception under Paragraph 3101.42 to permit the Selma M. Levine School of Music, Inc., to use the premises as a music school in an R-3 District at premises 1690 36th Street, N.W., (Square 1304, Lot 14).

HEARING DATE: February 18, 1987  
DECISION DATE: March 4, 1987

FINDINGS OF FACT:

1. The site, known as premises 1690 - 36th Street, N.W., is rectangular in shape and contains approximately 112,104 square feet. The site has a frontage of 4000 feet along R Street to the north, and Reservoir Road to the south. It has a frontage of 281.80 feet along 37th Street to the west and 36th Street to the east.
2. The site is located in an R-3 Zone District which extends in all directions from the site.
3. The site is developed with a four-story red brick building occupied by The Levine School of Music (sometimes referred to as the "School" or the "Levine School"), the primary tenant at the site. The site is also improved with a convent, owned and occupied by the Sisters of the Good Shepherd. The site includes two parking lots adjacent to the building occupied by the School. There is additional parking for the convent.
4. Historically, the site was used as a residence for the Sisters of the Good Shepherd. Later, it was used as a home for wayward girls. The District government began using the site for school purposes in the 1970s. The site has been used for educational purposes for almost 20 years.
5. The site is located in the Burleith community. The site area contains a mix of institutional and educational buildings, two-and three-story row houses and apartment complexes. The Georgetown Medical Center is situated one block from the site. Georgetown Visitation Preparatory School is two blocks away, located at 1524 35th Street, N.W. The Duke Ellington School of the Arts, a public high school, is located at 35th and R Streets, N.W., in the former Western High School across the street from the site. The

Fillmore Arts Center is situated at the corner of 35th and S Streets, N.W. The Gordon Adult Education Center, formerly the Gordon Junior High School, is approximately four blocks away.

6. Pursuant to Sub-section 8207.2 of the Zoning Regulations the applicant in seeking a special exception under Paragraph 3101.42 to permit the Levine School of Music to use the premises as a music school.

7. The Levine School is a non-profit private music school founded in 1976, in memory of Selma M. Levine.

8. Before becoming the primary tenant at the site in 1985, the School was located at various makeshift locations, including churches throughout the District of Columbia. The School occupied the site and has been operating without obtaining a valid certificate of occupancy.

9. The School offers individual and classroom music instruction for students of all ages. Classes are designed for all levels of skill, from beginner to advanced performance instruction. The purpose of the School is to provide high-quality music education and to foster an atmosphere that encourages the love of music and the satisfaction of accomplishment through commitment and hard work.

10. Community activities that the School participates in include: The Levine School in the Community program (LINC), an education and performance outreach program for the metropolitan area; recitals in conjunction with the District's public and private schools; and concerts in local hospitals and other community facilities.

11. Classes at the school are given in orchestral instruments, recorder, piano and voice. The Levine School has 20 teaching studios which are used for individual and group instruction. Eighteen of these classrooms are specially equipped for music lessons and are approximately 100 square feet. There are two studios that are 500 square feet. In addition, there are eight administrative offices, a music store, a faculty lounge, a library, and storage rooms at the site. These facilities are only available for the Levine School students and staff as well as the subtenants at the site.

12. The Levine School has 55 professionally trained musicians who teach at the school on a part time basis. Staff include members of the National Symphony Orchestra and other internationally celebrated artists.

13. The subtenants occupying the site include The Duke Ellington School for the Arts, and the handicapped parking

following nonprofit musical or music related organizations: The Washington Bach Consort, Hesperus (a baroque ensemble), Contemporary Music Forum, Gay Men's Chorus, Millennium (an organization representing 1000 years of music), Music Information Specialists, the American Women Composers, and the Theater Chamber Players of Kennedy Center. Under the terms of each sublease, the primary functions of subtenants must be related to the purpose of music education or to the purposes of the School.

14. The School has performance space located on the second floor, which can accommodate approximately 100 persons. The performance space is used primarily for workshops, ensembles, rehearsals, and recitals. Typically, these are scheduled for Saturday and Sunday afternoons.

15. Midweek recitals start by 8:00 P.M. All activities at the site conclude by 11:00 P.M., at the latest. In 1986, there were three evening recitals. For 1987, five evening recitals are planned. The number of evening recitals will not exceed 20 per year.

16. The general hours of music instruction at the site are from 10:00 A.M. to 9:00 P.M. In response to neighborhood concerns, and consistent with Office of Planning recommendations, the applicant will generally limit the hours of instruction to these times with the understanding that certain flexibility is needed to accommodate classes that may be winding down after 9:00 P.M.

17. There are usually no more than 50 Levine School students at the site at any given time. The majority of instruction is carried out on a one-to-one basis, with a few occasions for group instruction. Given the nature of the classes and the staggered scheduling, there will be no more than 90 students (including students of The Duke Ellington School of Music, who walk to their classes) at the site for music lessons at any given time between 9:00 A.M. and 5:00 P.M. and no more than 75 students at the site for music lessons at any given time between 5:00 P.M. and 9:00 P.M. There are usually only 20 staff members at the site at any time. To permit maximum flexibility while protecting neighborhood interests, there will be no more than 35 staff members, including teachers and administrators, at the site at any given time. The peak period of operation at the School is between 5:00 P.M. and 8:00 P.M. on Tuesday evenings.

18. There are 33 off-street parking spaces in two parking lots adjacent to the school building on site. In addition, the applicant/owner has agreed to allow the Levine School staff members to park at another parking lot on the site for special events so that more parking spaces are available for visitors. The School will designate

handicapped parking spaces and will provide valet parking for special events at the School, if needed.

19. The facility is well served by public transportation. The School catalog lists public Metrobus and Metrorail information for students and other visitors to the School. The School will post a ride-sharing board at the site for students and staff.

20. By letter dated February 2, 1987, Advisory Neighborhood Commission (ANC) 3B expressed its unanimous support for the special exception application. The Board recognizes the support of the ANC and affords "great weight" to its testimony.

21. The Burleith Citizen's Association (BCA) submitted a letter to the Board, dated February 11, 1987, which incorporates the understandings between BCA and the School.

22. The Office of Planning (OP), by memorandum dated February 11, 1987, recommended that this special exception application be approved subject to two conditions: that the weekday hours of the school be limited generally to 9:00 P.M. and that a transportation management plan be implemented at the site. The Board concurs with the recommendation of the OP.

23. A number of other letters were submitted in support of the application.

24. There was no opposition to the application at the public hearing or of record.

#### CONCLUSIONS OF LAW AND OPINION:

Based upon the foregoing findings of fact and the evidence of record in this proceeding, the Board concludes that the applicant is seeking a special exception. In order to grant the requested special exception, the applicant must demonstrate that it has complied with the requirements of Paragraph 3101.42 and Sub-section 8207.2 of the Regulations. Section 3101.42 of the Regulations provides that a private school is permitted if the Board determines that:

3101.421 It is so located that it is not likely to become objectionable to adjoining and nearby property because of noise, traffic, number of students, or other objectionable conditions;

3101.422 Ample parking space, but not less than that required in Article 72 of these Regulations, is provided to accommodate the students, teachers,

and visitors likely to come to the site by automobile.

The Board concludes that the applicant has met the burden of proof. The operation of a private school at the site will not become objectionable to adjoining and nearby property because of traffic, noise, operation or number of students or otherwise objectionable conditions. The use will not adversely affect or substantially alter the character of the neighborhood. The presence of the Levine School has greatly enhanced the immediate neighborhood and the surrounding community. The continued operation of the School will contribute to the supportive environment that has developed with the neighbors. There will be adequate off-street parking facilities in two parking lots at the site for faculty members, students, and visitors likely to visit the premises by automobile. In addition, the owner of the site will provide additional parking for the School staff in the event that it is needed during special events. No significant demand for additional parking will be created with the proposed use. The site is well served by public transportation. There will be no dangerous or other objectionable traffic conditions with the continued use of the property.

The Board further concludes that the special exception can be granted in harmony with the general purpose and intent of the Zoning Regulations and Maps, and will not tend to adversely affect the use of neighboring property in accordance with said regulations and maps. Approval of this application will allow the continued lawful operation of a private school at the site without an adverse impact on the neighborhood or the District. The Board concludes that it has accorded the "great weight" to the ANC to which it is entitled. Accordingly, it is ORDERED, that the application is GRANTED SUBJECT to the following CONDITIONS:

1. Approval shall be limited to operation by the Selma M. Levine School of Music, Inc.
2. The hours of operation of the facility shall not exceed from 9:00 A.M. to 9:30 P.M.
3. The Levine School of Music will host no more than twenty evening recitals at the site per year. The recitals shall end no later than 11:00 P.M. Valet parking will be provided for these events on an as needed basis.
4. The number of faculty and staff present at the facility at any one time shall not exceed thirty-five.

5. The number of students at the site at any given time shall not exceed seventy-five except during the hours of 9:00 A.M. to 5:00 P.M., the maximum may be increased to ninety provided that no less than fifteen of those students come from the Duke

Ellington School of the Arts located at 3500 R Street, N.W.

6. The applicant shall erect a chain barrier along the sides of the driveway to prevent parking on the lawn.
7. Landscaping shall be maintained in a healthy growing condition. The site shall be kept free of refuse and debris.

VOTE: 5-0 (Lindsley Williams, Paula L. Jewell, Charles R. Norris, William F. McIntosh and Carrie L. Thornhill to grant).

BY ORDER OF THE D.C. BOARD OF ZONING ADJUSTMENT

ATTESTED BY:

  
EDWARD L. CURRY  
Acting Executive Director

FINAL DATE OF ORDER: MAY 8 1987

UNDER SUB-SECTION 8204.3 OF THE ZONING REGULATIONS, "NO DECISION OR ORDER OF THE BOARD SHALL TAKE EFFECT UNTIL TEN DAYS AFTER HAVING BECOME FINAL PURSUANT TO THE SUPPLEMENTAL RULES OF PRACTICE AND PROCEDURE BEFORE THE BOARD OF ZONING ADJUSTMENT."

THIS ORDER OF THE BOARD IS VALID FOR A PERIOD OF SIX MONTHS AFTER THE EFFECTIVE DATE OF THIS ORDER, UNLESS WITHIN SUCH PERIOD AN APPLICATION FOR A BUILDING PERMIT OR CERTIFICATE OF OCCUPANCY IS FILED WITH THE DEPARTMENT OF CONSUMER AND REGULATORY AFFAIRS.

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